

**THE VIRGINIA BOARD FOR  
WATERWORKS AND WASTEWATER WORKS OPERATORS AND ONSITE  
SEWAGE SYSTEM PROFESSIONALS  
MINUTES**

The Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals met on April 12, 2011, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Frank L. Davis, Jr.  
Kornell Davis, Jr. (arrived at 9:06 a.m.)  
D. Perry Greene  
Dr. Wesley Kleene  
Kristen Lentz  
E. Brooke Philpy  
Gary Schafran  
Ronald Thomas  
John Vanderland  
Harold W. Walker (arrived at 9:04 a.m.)

Staff present for all or part of the meeting were:

Gordon Dixon, Director  
Mark N. Courtney, Deputy Director of Licensing and Regulation  
David Dick, Executive Director  
Jill Hrynciw, Board Administrator  
Michele Atkinson, Board Administrator  
Earlyne Perkins, Legal Analyst

Elizabeth Peay was present from the Office of the Attorney General.

Mr. Philpy, finding a quorum of the Board present, called the meeting to order at 9:03 a.m.

**Call to Order**

Mr. Dick introduced new Board members, Kristen Lentz, Gary Schafran, and D. Perry Greene.

**Introductions**

Mr. F. Davis moved to approve the agenda as amended. Dr. Kleene seconded the motion which was unanimously approved by members: F. Davis, K. Davis, Greene, Kleene, Lentz, Philpy, Schafran, Thomas, Vanderland and Walker.

**Approval of  
Agenda**

Mr. Vanderland moved to approve the minutes of the December 9, 2010, Board meetings Minutes. Mr. Walker seconded the motion which was unanimously approved by members: F. Davis, K. Davis, Greene, Kleene, Lentz, Philpy, Schafran, Thomas, Vanderland and Walker.

**Approval of  
Minutes**

There were no comments made to the Board.

**Public Comment**

Mr. Vanderland and Mr. F. Davis recused themselves from the meeting.

In the matter of **File Number 2011-01299, David L. Jones**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Jones. Mr. Jones was not present. Mr. K. Davis moved to accept the Consent Order citing the following violations of the Board's regulations: 18 VAC 160-20-140.3 (Count 1) and 18 VAC 160-20-140.7 (Count 2). For these violations Mr. Jones agreed to the following monetary penalties: \$1,250.00 for the violations contained in Count 1; and \$1,250.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total monetary penalty of \$2,650.00. In addition, for the violations contained in Counts 1 and 2, Mr. Jones agreed to the revocation of his license. Mr. Walker seconded the motion which was approved by members: K. Davis, Greene, Kleene, Lentz, Philpy, Schafran, Thomas, and Walker. Mr. Vanderland and Mr. F. Davis were not present during the discussion or vote.

Mr. Vanderland and Mr. F. Davis returned to the meeting.

Mark Courtney provided the Board with training on the roles and responsibilities of Board members.

Mr. Dick informed the Board members they need to make any changes deemed necessary to the CPE audit policy at this time. After discussion, Mr. Walker moved to continue with randomly auditing 5% of wastewater operator licensees. Mr. K. Davis seconded the motion which was unanimously approved by members: F. Davis, K. Davis, Greene, Kleene, Lentz, Philpy, Schafran, Thomas, Vanderland and Walker.

Mr. Dick updated the Board members on the status of the Fast Track Regulation amendments.

After discussion, Ms. Lentz made the following motion: If an onsite sewage system inspection for the purpose of property transfer requires an individual to perform work that meets the definition of "operate" or "maintain" as defined in the Board's regulations, the appropriate onsite sewage system operator license is required; if the inspection requires an individual to construct, install, or perform repair work requiring a construction permit, the appropriate onsite sewage system installer license is required; and if the inspection requires an individual to evaluate soils and soil properties in

## **Period**

## **Recusal of Board Members**

## **File Number 2011-01299 – David L. Jones**

## **Return of Board Members**

## **Board Member Training**

## **Discussion of CPE Audit**

## **Update on Fast Track Regulations**

## **Discussion of Septic System Evaluations for the Purpose of Property Transfer**

relationship to the effect of these properties on the use and management of these soils as the locations for conventional and alternative onsite sewage systems, to certify in accordance with applicable state regulations and local ordinances that sites are suitable for conventional and/or alternative onsite sewage systems, and to design conventional and/or alternative onsite sewage systems suitable for the soils, the appropriate onsite soil evaluator license is required. Mr. Schafran seconded the motion which was unanimously approved by members: F. Davis, K. Davis, Greene, Kleene, Lentz, Philpy, Schafran, Thomas, Vanderland and Walker.

**Onsite Sewage System Operators (Septic Pumpers)** – The Board agreed without dissent that alternative septic tanks must have a licensed alternative onsite sewage system operator responsible for the actions of the individual or individuals pumping out the septic tank. The licensed alternative onsite sewage system operator is not required to be present when the septic tank is pumped out, but is responsible for the actions of the unlicensed individual actually pumping out the septic tank. The individual actually pumping out the septic tank need not be a licensed alternative onsite sewage system operator, but must be working under the supervision of a license alternative onsite sewage system operator who shall be responsible for the unlicensed person's actions.

**Board  
Interpretation  
Requests**

**Experience Requirement for Operator Applicants** – After discussion, Mr. Walker made the following motion: a licensed interim alternative onsite sewage system operator who is self-employed (sole proprietor) and has met all other eligibility requirements (education and months of full-time experience) can be approved to sit for the alternative onsite sewage system operator exam provided verification of the individual's work experience is received from an independent, third-party who has first-hand knowledge of the licensed interim alternative onsite sewage system operator's experience. Ms. Greene seconded the motion which was unanimously approved by members: F. Davis, K. Davis, Greene, Kleene, Lentz, Philpy, Schafran, Thomas, Vanderland and Walker.

**Onsite Sewage System Operator-in-training** – The Board agreed without dissent that a conventional or alternative onsite sewage system operator-in-training is able to perform any duty allowed by the licensed conventional or alternative operator who undertakes supervision of the operator-in-training. The licensed conventional or alternative operator is not required to be present when the operator-in-training performs his work duties; however, the licensed operator shall be responsible for the actions of the operator-in-training and ensuring full compliance with the Board's regulations.

The Board agreed by consensus to put this item on the next Board meeting agenda scheduled for June 21, 2011.

**Discussion of  
Guidance  
Document**

Mr. F. Davis nominated E. Brooke Philpy for Chair and Mr. Walker nominated John Vanderland as Vice-Chair. The Board agreed by consensus.

**Election of  
Officers**

Future Board Meeting Dates:

**Future Meeting  
Dates**

- June 21, 2011
- September 27, 2011
- December 13, 2011

The Board members completed their conflict of interest forms and travel vouchers.

**Conflict of  
Interest Forms**

The Board adjourned at 12:25 p.m.

**Adjournment**

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E. Brooke Philpy, Chair

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Gordon Dixon, Secretary